

HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

3. During July of 2005, the petitioner began to work. DCF received information that the petitioner was earning \$1,118 per month. After work related disregards of \$392, DCF counted \$726 per month as the petitioner's income. DCF determined that \$726 was in excess of the needs payment for



his three person household (\$441.93) and on August 4, 2005, sent him a notice of closure effective August 15, 2005.

4. The petitioner disputes the amount of income used by DCF. He also claims that he pays utilities that should have been added as a shelter allowance in his payment standard. The petitioner was given leave to submit evidence of his income and shelter expenses but failed to do so by the thirty day deadline on November 21 or at any time thereafter.

ORDER

The decision of DCF is affirmed.

REASONS

RUFA regulations adopted by DCF count income earned by RUFA recipients but disregard \$150 and 25 percent of the remainder. W.A.M. § 2253.33. In the petitioner's case, his reported income of \$1,118 did receive the appropriate disregards and a total of \$726 was correctly counted towards his Reach Up eligibility. The group's payment standard before the receipt of this income was \$441.93, an amount representing the basic payment standard, which includes



utilities<sup>1</sup>, prorated by the percentage which DCF will pay.

See W.A.M. §§ 2241 and 2245.2. The petitioner did not receive a shelter allowance because he does not pay his own mortgage. W.A.M. § 2245.3.<sup>2</sup>

RUFA's regulations regarding continuing financial eligibility provide as follows:

1. Compare the assistance group's pre-computed payment standard to the net income. Net income is the total of unearned income and net earned income (see Continuing Eligibility Earned Income Computation.) If net income exceeds the payment standard, the group is ineligible. If net income is less than the payment standard, the difference is the budgetary deficit (see Amount of Payment below).

W.A.M. § 2240.2

The petitioner's pre-computed payment standard is \$441.93 per month. His net income is \$726 per month. As his net income exceeds the payment standard, his family is ineligible for further RUFA benefits. Although the petitioner disputes the amount of income used, he was given ample opportunity to present evidence to the contrary but failed to do so. As DCF's decision closing the petitioner's grant for excess income is consistent with its regulations,

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<sup>1</sup> The petitioner's representation that he paid utilities would not have garnered a shelter allowance payment since utilities are already included in the basic grant which he received.

<sup>2</sup> Even if the petitioner had received a shelter allowance, his family's payment level would only have increased by about \$200.



the Board is bound to affirm the result. 3 V.S.A. § 3091(d),  
Fair Hearing Rule 17.

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